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Filing date: **03/15/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Rational Entertainment Enterprises Limited		
Entity	Limited Company	Citizenship	United Kingdom
Address	33-37 Athol Street Douglas, Isle of Man, IM1 1LB UNITED KINGDOM		

Attorney information	Susan Upton Douglass Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES sdouglass@frosszelnick.com Phone:212-813-5900
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Registration Subject to Cancellation

Registration No	3071884	Registration date	03/21/2006
Registrant	FILLPOINT, LLC 200 FILLPOINT DRIVE MECHANICVILLE, NY USA 12118 UNITED STATES		

Goods/Services Subject to Cancellation


Class 009. First Use: 2004/11/02 First Use In Commerce: 2004/11/02
All goods and services in the class are cancelled, namely: Video game programs; video game software; video game cartridges; video game discs

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	78542563	Application Date	01/05/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WORLD CHAMPIONSHIP OF ONLINE POKER		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2002/05/04 First Use In Commerce: 2002/05/04 ON-LINE ENTERTAINMENT IN THE NATURE OF CARD GAMES AND GAMBLING TOURNAMENTS AND COMPETITIONS; CASINO ON-LINE SERVICES FEATURING INTERACTIVE MULTI-PLAYER CARD GAMES AND GAMBLING; ORGANIZATION OF AND ADMINISTRATION OF CARD GAMES AND CONTESTS, INTERACTIVE GAMES OF CHANCE, ON-LINE CARD GAMES AND GAMBLING CONTESTS, AND ON-LINE GAMES OF CHANCE FOR ENTERTAINMENT PURPOSES; PROVIDING NEWSLETTERS IN THE FIELD OF ON-LINE GAMBLING VIA EMAIL; PROVIDING INFORMATION ON-LINE RELATED TO INTERNET GAMBLING AND COMPUTER GAMES OF CHANCE.

Attachments	78542563#TMSN.jpeg (1 page)(bytes) WORLD CHAMPIONSHIP POKER (F0766552).PDF (3 pages)(18259 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/sud/
Name	Susan Upton Douglass
Date	03/15/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 3071884
Registered: March 21, 2006
Registered Mark: WORLD CHAMPIONSHIP POKER

Petitioner's Ref: RATE 10/07791

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RATIONAL ENTERTAINMENT ENTERPRISES :
LIMITED, :

Petitioner, :

- against - :

FILLPOINT, LLC, :

Registrant. :

Cancellation No.:

BOX TTAB
FEE

PETITION FOR CANCELLATION

Rational Entertainment Enterprises Limited ("Petitioner"), a limited company organized and existing under the laws of the Isle of Man, whose registered office is at 33-37 Athol Street, Douglas, Isle of Man, IM1 1LB, believes that it will be damaged by the continued registration of U.S. Reg. No. 3071884, now standing in the name of Fillpoint, LLC ("Registrant"), and hereby petitions to cancel the same pursuant to Section 14(1) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1064(1).

As grounds therefor, Petitioner alleges as follows:

1. Since at least as early as May 4, 2002, Petitioner has been using in commerce the mark WORLD CHAMPIONSHIP OF ONLINE POKER in connection with online card games and tournaments, and ancillary services. The mark WORLD CHAMPIONSHIP OF ONLINE POKER has received extensive international

publicity, as the WORLD CHAMPIONS OF ONLINE POKER event pays out millions of dollars annually to competitors who participate in Petitioner's events.

2. Petitioner is the owner of Application Serial No. 78/542563 for the mark of WORLD CHAMPIONSHIP OF ONLINE POKER, filed on January 5, 2005 and covering the following services: "On-line entertainment in the nature of card games and gambling tournaments and competitions; casino on-line services featuring interactive multi-player card games and gambling; organization of and administration of card games and contests, interactive games of chance, on-line card games and gambling contests, and on-line games of chance for entertainment purposes; providing newsletters in the field of on-line gambling via-email; providing information on-line related to internet gambling and computer games of chance."
3. The U.S. Patent and Trademark Office has refused registration of Petitioner's mark WORLD CHAMPIONSHIP OF ONLINE POKER under Section 2(d) of the Trademark Act on the basis of U.S. Reg. No. 3071884 for the mark WORLD CHAMPIONSHIP POKER. This registration, standing in the name of Registrant, covers "video game programs; video games software; video game cartridges; video game discs."
4. Registrant claims a date of first use of November 2, 2004. On information and belief, Registrant made no use of the mark WORLD CHAMPIONSHIP POKER prior to November 2, 2004. Thus, Registrant's earliest priority date is February 3, 2004, its filing date.
5. If, as asserted by the U.S. Patent and Trademark Office, Petitioner's mark WORLD CHAMPIONSHIP OF ONLINE POKER is confusing similar to the

mark WORLD CHAMPIONSHIP POKER as set forth in Reg. No. 3071884,
Petitioner has priority based on its first use in commerce date of May 4, 2002.


6. Petitioner is harmed by the continued registration of Reg. No. 3071884 because this registration is cited as a bar to registration under Section 2(d) of the Trademark Act, preventing Petitioner's mark from proceeding to registration.
7. Accordingly, Registrant's registration No. 3071884 should be cancelled so that Petitioner's mark can register.

WHEREFORE, Petitioner requests that Registration No. 3071884 be canceled.

Dated: New York, New York
March 15, 2011

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 
Susan Upton Douglass
Attorneys for Petitioner
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Petition for Cancellation was sent by first class mail to Registrant, Fillpoint, LLC at 200 Fillpoint Drive, Mechanicville, New York 12118, this 15th day of March 2011.


Susan Upton Douglass